

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Monday 18th September, 2017

No. 452

**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 15/LD/17

Dated: 18.09.2017

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 8th Day of September, 2017 is hereby published for general information:-

THE SIKKIM PRESERVATION OF RABIES-FREE STATE ACT, 2017

(ACT NO. 15 OF 2017)

AN ACT

to provide for a rabies-free State and to protect the citizens from rabies in the State of Sikkim by the control of the existing canine and feline population and preventing the entry of new canine and feline population in the State in the interests of general public health and the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Sikkim in the Sixty-eighth Year of the Republic of India as follows:-

| | | | |
|---|----------|-----|---|
| Short title, extent and commencement | 1 | (1) | This Act may be called the Sikkim Preservation of Rabies-Free State Act, 2017. |
| | | (2) | It shall extend to the whole of Sikkim. |
| | | (3) | It shall come into force at once. |
| Definitions | 2 | (1) | In this Act, unless the context otherwise requires:- |
| | | (a) | “animal” means any mammal of species naturally susceptible to rabies, except the human being; |
| | | (b) | “authority” means the Sikkim Licensing and Registering Authority constituted under section 4; |

- (c) "cat" means an animal belonging to the species (Mammals) *Felis catus* of the order of mammals *Carnivora*;
- (d) "Department" means the Department of Animal Husbandry, Livestock, Fisheries and Veterinary Services;
- (e) "disease" means rabies and 'diseased' means human being or animals infected with rabies;
- (f) "dog" means an animal belonging to the species (Mammals) *Canis familiaris* of the order of mammals *Carnivora*;
- (g) "exposed to rabies" means a person or an animal bitten, scratched or licked by or having other direct physical contact with a rabid dog or other animal suspected of being affected with rabies;
- (h) "ferocious or dangerous dog" means the one which inflicts unjustified injury or poses an imminent threat of unjustified aggression towards human beings or other animals.
- (i) "infected area" means an area which is declared to be an infected area for the purposes connected with the control and elimination of rabies by order of the State Government;
- (j) "local authority" means the members of the public authorised by the State Government or the local panchayat/ local urban bodies of the area concerned;
- (k) "microchip" means an approved device used for the identification of individual animals;
- (l) "notification" means a notification published in the Sikkim Government Gazette;
- (m) "owner" means every person who is the sole or part owner of any animal and includes any person who is in charge of an animal and the occupier of the premises on which any animal is found shall also be deemed to be the owner of such animals until the contrary is proved;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "registration" means the registration of a cat or dog under section 3;
- (p) "Schedule" means the Schedule appended to this Act;
- (q) "Secretary" means the person holding the post of Secretary of the Department or any person properly delegated by the Secretary to carry out the functions under this Act;
- (r) "Sikkim anti-rabies and animal health division" means the authority empowered by the State Government to have responsibility for the control of rabies in animals in Sikkim;

- (s) "Sikkim Licensing and Registering Authority" means the authority specified under section 4 of the Act;
- (t) "State Government" means the Government of Sikkim in the Department of Animal Husbandry, Livestock, Fisheries and Veterinary Services;
- (u) "stray dog or cat" means any dog or cat not kept in compliance with the Act and the rules made hereunder;
- (v) "suspected" means suspected of rabies;
- (w) "vaccination" means the administering to an animal of an anti-rabies vaccine and such other vaccines as may be prescribed;
- (x) "veterinary hospital" means an institution or centre by whatever name called where animals are admitted for treatment;
- (y) "Veterinary Officer" or "Deputy Director" means a registered Veterinary Practitioner appointed by the State Government to receive information about animals and carcasses affected or suspected of being affected with specified diseases for the area in which the animal or carcass exists.

Responsibilities of Pet Owners

- 3 (1) Every pet owner shall-
 - (i) register their dog and cat before it reaches the age of 6 (six) months;
 - (ii) renew the registration annually;
 - (iii) pay the prescribed fee for registration and vaccination.
- (2) Every pet owner shall comply with the requirement for identification of their dog and cat as under, namely:-
 - (a) An owner must ensure that every dog or cat born after the commencement of the Act is microchipped by attaining the age of 3 (three) months and its identification-details are entered in the Sikkim Microchip Register.
 - (b) All dogs must wear a collar with identification-tag indicating the owner's name and telephone number.
 - (c) It is unlawful for any person to own or keep any dog or cat of 6 (six) months of age or older which has not been vaccinated against rabies as required by under the Act, or the rules made hereunder;
 - (d) Dogs and cats shall be vaccinated as early as on attaining the age of 3 (three) months or at an age as specified in the vaccine's license, but it will be considered as non-compliance according to this section if even after 6 (six) months of age, the animals are not vaccinated;

- (e) Every owner shall maintain a record of the vaccination for the purpose of accurate recording.
- (3) Every pet owner shall:
 - (a) preserve control over their dog and shall not allow it to roam in the streets or any public place without a leash;
 - (b) remove any elimination (stool) waste passed by their dog in a public area;
 - (c) present their dog or cat before its attaining the age of 6 (six) months for registration and licensing;
 - (d) keep records of registration, vaccination, and identification in a form which
 - (i) is easily readable;
 - (ii) contains relevant information as to breed, colour and identifying marks, microchip number or other prescribed identification, age, desexing status, vaccinations given and date of administering such vaccination, address of the owner and other contact details;
 - (e) produce such records on request of a Veterinary Officer, or an Officer of the local authority or Officer-In-Charge of the respective Police Station;
 - (f) update pet-ownership details in the Sikkim Microchip Register in case of any changes in the ownership;
 - (g) provide adequate care and shelter for their dog and cat.

Sikkim Licensing and Registering Authority

- 4 The Sikkim Licensing and Registering Authority shall consist of Veterinary Officers or Deputy Directors of Department posted within Sikkim. The Sikkim Licensing and Registering Authority shall -
 - (a) provide a certificate of registration of the dog and cat;
 - (b) administer rabies and other vaccines specified under the rules;
 - (c) maintain a register for identification of individual dogs and cats.

Transportation of animals into the State

- 5
 - (1) No Animals shall be transported into the State except in accordance with the provision of this Act.
 - (2) Any person who brings or who authorises the bringing of any animal into the State in contravention of this Act shall be guilty of committing an offence under this Act.

Notice of Rabies or Suspected Rabies

- 6
 - (1) In order to ensure proper prevention, control and to keep the State of Sikkim rabies-free, the healthcare providers from Department of Health Care, Human Services and Family Welfare and the Department of Animal Husbandry, Livestock, Fisheries and Veterinary Services and all the Private Practitioners (Medical as well as Veterinary) shall notify every case of rabies or

incidence thereof to local authorities i.e. District Medical Officer/ Chief Medical Officer of a district. The case of rabies in Animals shall be notified by the Veterinary Officer or Deputy Director of a District every month in the form as may be prescribed.

- (2) A person who knows or suspects that an animal is exposed to rabies or at the time of its death was so affected, shall, immediately give notice to an officer of the local authority or a health worker or an officer in charge of the respective police station. Any person so informed shall transmit the information received in the most expeditious manner to the Sikkim Anti Rabies and Animal Health Division.

**Declaration
of Infected
Area**

- 7 Where the State Government believes or suspects that any case of rabies exists in an area, it may by order declare that particular area together with any adjoining area as Infected Area for the purposes of control and eradication of that disease.

**Detention
or Destruction
of Any Animal
Exposed
to Rabies**

- 8 If any Veterinary Officer or Deputy Director of the Department or an Officer of the local authority or Officer-In-Charge of the respective Police Station receives a credible information of, or having reasonable grounds for suspecting, the existence of a case of rabies, he shall forthwith cause the matter to be investigated, and for that purpose may cause any animal to be examined and any diseased or suspected animal to be destroyed humanely or otherwise dealt with as he may think necessary. It shall be the duty of the Veterinary Officer or Deputy Director of the Department to send the brain-sample after euthanasia for histopathological examination for confirmative diagnosis of rabies.

**Duties of Owners
and Persons in
Charge of Diseased
or Suspected to be
diseased Animals**

- 9 Every owner or person in charge of a diseased or a suspected to be diseased animal shall-
 - (a) exercise their best efforts to cause it to be securely confined; and
 - (b) immediately give notice to a Veterinary Officer or Deputy Director.

**Seizure and
Detention of
animals not
under control**

- 10 Recognising that stray dogs and cats are a vital component of the ecosystem of the State, a balance must be struck between public health and existence of stray dogs and cats. A Veterinary Officer/ Deputy Director or an Officer of the local authority or Officer-In-Charge of the respective Police Station may, after due notice has been given to members of the public of that area, seize and detain any stray dog or cat that is suspected to be diseased or in need of veterinary care, or posing a risk of public health by complying with the following provisions, namely:-
 - (a) A Veterinary Officer/ Deputy Director or an Officer of the local authority or Officer-In-Charge of the respective Police Station shall take into account the Animal Birth Control (Dogs) Rules, 2001;

- (b) There must be credible information or reasonable grounds for suspecting the animal to be diseased, in need of veterinary care, or posing a risk of public health;
- (c) The local authority shall take all reasonable steps to draw the attention of members of the public in their area to the address or location where such dogs or cats are kept and detain those dogs or cats for a period of 3(three) days;
- (d) An owner can claim the dog or cat which has been detained within a period of 3 (three) days;
- (e) An owner claiming a dog or cat from a place of detention shall be liable to appropriate penalties and fines if it is established that the owner has committed offences under this Act;
- (f) Subject to clauses (c), (d) and (e), where a dog or cat seized under this section is not claimed by or on behalf of its owner within the period specified under this section, the local authority may order it to be rehomed or destroyed and dispose of its carcass in such manner and on payment of charges as may be prescribed;
- (g) No animal shall be destroyed unless it has been thoroughly examined and found that the animal is incurably ill and mortally wounded or suffering life-threatening injury or illness. While destroying the animal, the authority shall comply with the Provisions of the Animal Birth Control (Dogs) Rules, 2001 and the Prevention of Cruelty to Animals Act, 1960 or any other existing rules for the time being in force.
- (h) Where a dog or cat seized under this section requires veterinary care, the veterinary care must be provided by any recognised Animal Welfare Non-Governmental Organisation or by the Government at a cost-recovery-basis from the owner if it is an owned animal;
- (i) Any stray animals (especially dogs) shall not be allowed to be relocated from one public place to another except in accordance with the Animal Birth Control (Dogs) Rules, 2001 and the Prevention of Cruelty to Animals Act, 1960 or any existing rules for the time being in force.
- (j) The Government shall issue guidelines on the methods to be applied for the humane capture and destruction of stray animals that are diseased.
- (k) A Veterinary Officer or an Officer of the local authority or Officer-In-Charge of the respective Police Station, after prior information to the land owner, may enter into any land for the purpose of seizing a dog or cat which is liable to be seized under this Act.
- (l) All the stray/community dogs/cats shall be neutered (ABC surgery) following the guidelines and standard operating procedure of the Animal Board of India, Ministry of Environment and Forest, Government of India. Henceforth no stray dogs shall

be impounded or kept in a shelter home for the purpose of stray dog population control measures.

- (m) No stray dogs and cats shall be subjected to unnecessary pain and sufferings and doing so shall be a punishable offence under this Act or Prevention of Cruelty to Animals Act, 1960 or any existing rules for the time being in force.

**Rabies Disease
Surveillance in
Animal Populations**

- 11 The Department of Animal Husbandry, Livestock, Fisheries and Veterinary Services and Department of Health Care, Human Services and Family Welfare shall be jointly responsible for coordinating an ongoing rabies disease surveillance programme. Such a programme includes keeping of records and sero-surveillance of dogs, cats and other animals. In carrying out surveillance in animal populations, any authorised person may take any steps within the rules as may be prescribed.

**Offences
and Penalties**

- 12 (1) Any person who contravenes the provisions of clause (a) of sub-section (2) and clauses (a), (b), (c), (d), (e) and (f) of sub-section (3) of section 3, shall be guilty of committing an offence and shall be liable to pay a fine of Rs. 500/- (Rupees five hundred) only. Any person contravening the provision of this section for the second or subsequent time shall be punished with an imprisonment for a term of 1 (one) month and also with a fine which shall be not less than Rs. 1,000/- (Rupees one thousand) only or may extend up to Rs. 2,000/- (Rupees two thousand) only or with both.
- (2) Any person, who contravenes the provisions of clause (b) of sub-section (2) of section 3 and clauses, (i), (ii) and (iii) of section 3, shall be liable to pay a fine of Rs. 1000/- (Rupees one thousand) only. Any person/owner committing the same offence for a second or subsequent time shall be punished with an imprisonment for a term of 1 (one) month and a fine of minimum Rs. 2,000/- (Rupees two thousand) only which may extend to Rs. 5,000/- (Rupees five thousand) only or with both.
- (3) Any person who contravenes the provision of clauses (2) (c) and (d) of section 3 shall be liable to pay a fine of Rs. 2000/- (Rupees two thousand) only. Any person committing the same offence for a second or subsequent time shall be punished with a rigorous imprisonment for a term of 3(three) months and a minimum fine of Rs. 3,000/- (Rupees three thousand) only which may extend upto Rs. 5,000/- (Rupees five thousand) only or with both.
- (4) Any person who contravenes the provision of clause (g) of sub-section (3) of section 3 shall be guilty of committing an offence and shall be liable to pay a fine of Rs. 2,000/- (Rupees two thousand) only. Any person contravening the provision of this section for the Second or Subsequent time shall be punished with an imprisonment for a term of 1 (one) month and also with a fine which shall not be less than Rs. 3,000/- (Rupees three thousand) only or may extend upto Rs. 5,000/- (Rupees five thousand) only or with both.
- (5) Any person who contravenes the provision of sub-section (1) and (2) section 5 shall be guilty of committing an offence and

shall be liable for an imprisonment of 3 (three) month and with a fine which shall be Rs. 5,000/- (Rupees five thousand) only. Any person contravening the provision of this section for the second or subsequent time shall be punished with an imprisonment for a term of 6 (six) months and also with a fine which shall not be less than Rs. 6,000/- (Rupees six thousand) only or which may extend upto Rs. 10,000/- (Rupees ten thousand) only or with both.

- (6) Any person who contravenes the provision of sub-section (2) of section 6 and clauses (a), (b) of section 9 shall be guilty of committing an offence and shall be liable for an imprisonment of one (1) month and with a fine of Rs. 5,000/- (Rupees five thousand) only. Any person contravening the provision of this section for the second or subsequent time shall be punished with an imprisonment for a term of 3 (three) months and also with a fine which shall not be less than Rs. 6,000/- (Rupees six thousand) only or which may extend upto Rs. 10,000/- (Rupees ten thousand) only or with both.
- (7) Any person who rears and keeps a ferocious dog/dogs shall be committing an offence and shall be liable to pay a fine of Rs. 5,000/- (Rupees five thousand) only. Any person contravening the provision of this section for the second or subsequent time shall be punished with an imprisonment for a term of 1 (one) month and also a fine which shall not be less than Rs. 6,000/- (Rupees six thousand) only or may extend upto Rs. 10,000/- (Rupees ten thousand) only or with both.
- (8) Any dogs and cats not intended for breeding should invariably be neutered (ABC surgery). The owners shall not breed their dogs and cats indiscriminately. For commercial breeding of Dogs and Cats, licence shall be obtained from the concerned authority. Any person contravening the provision of this Section shall be liable to pay a fine of Rs. 5000/- (Rupees five thousand) only. Any person committing the same offence for a second or subsequent time shall be punished with an imprisonment for a term of 1 (one) month and a fine of Rs. 6,000/- (Rupees six thousand) only which may extend upto Rs. 10,000/- (Rupees ten thousand) only or with both.
- (9) Any Owner who abandons their pet animals without any reasonable cause shall be guilty of committing an offence under this Act and shall be liable to pay a fine of Rs. 2000/- (Rupees two thousand) only. Any person committing the same offence for a second or subsequent time shall be punished with an imprisonment for a term of 1 (one) month and a fine of Rs 5,000/- (Rupees Five thousand only) to Rs. 10,000/- (Rupees ten thousand) only or with both.
- (10) Any person who does not comply with the lawful direction of a Veterinary Officer, or an Officer of the local authority or Officer-In-Charge of the respective Police Station under section 8 of the Act shall be guilty of committing an offence and shall be liable to pay a fine of Rs. 1,000/ (Rupees one thousand) only. Any person contravening the provision of this section for the second or

subsequent time shall be punished with an imprisonment for a term of 1 (one) month and also with a fine of Rs. 2,000/- (Rupees two thousand) only or which may extend upto Rs. 5,000/- (Rupees Five thousand) only or with both.

| | | |
|---|-----------|---|
| Offences to be cognizable and bailable | 13 | All offences under this Act shall be cognizable and bailable. An officer/ public servant not below the rank of Veterinary Officer shall file a complaint before the Judicial Magistrate of the 1 st Class having territorial jurisdiction to try such offence under this Act. |
| Protection of action taken in good faith | 14 | No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government or any person exercising any power or discharging any functions or performing any duties under this Act, for anything in good faith done or intended to be done under this Act or any rule or order made thereunder. |
| Power to make rules | 15 | <p>(1) The State Government may, by notification in Official Gazette, make rules to carry out all or any of the provisions of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the power, such rules may provide for the following matters, namely:-</p> <p>(a) charges to be levied for registration and vaccination under section 3 (1) (iii);</p> <p>(b) the manner of disposal of carcasses and charge for disposal under clause (f) of section 10;</p> <p>(c) cost of destruction of animals affected with rabies;</p> <p>(d) any other matter which has to be or may be prescribed by rules under this Act.</p> |
| Power to Remove Difficulties | 16 | <p>(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or specific order published in the Sikkim Government Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removal of the difficulty:</p> <p>Provided no such order shall be made after the expiration of two years of the date of commencement of this Act.</p> |
| Repeal and Saving | 17 | <p>(1) The Sikkim Stray Dogs and Rabies Control Act, 2000 is hereby repealed.</p> <p>(2) Notwithstanding such repeal anything done or any action taken under the said Act so repealed shall be deemed to have been done or taken under the corresponding Provision of this Act.</p> |

Jagat B. Rai (SSJS)
LR-cum-Secretary,
Law Department.

